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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,512	08/29/2001	David Perez Corral	FR920010024US1	9605

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IBM CORPORATION
IPLAW IQ0A/40-3
1701 NORTH STREET
ENDICOTT, NY 13760

EXAMINER

STEELMAN, MARY J

ART UNIT	PAPER NUMBER
----------	--------------

2122

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,512

Applicant(s)

CORRAL, DAVID PEREZ

Examiner

Mary J. Steelman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/29/01, 8/14/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-17 are pending.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

The following reference numbers are missing a description in the Specification:

FIG. 2 - #200, FIG. 3 - #300, FIG. 4 - #400, FIG. 5 - #500, FIG. 6B - #6000, FIG. 7 - #700, FIG. 8 - #800.

3. Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(a) because they fail to show details in FIG. 2, as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the

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application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

As an example: #202 IMPT, reference FIG.3, #204 Metrics Set Up & Reporting Process, reference FIG. 4, etc.

5. FIG. 6A and FIG. 6B should be referenced in the Specification as FIG. 6A or FIG. 6B (not as 6-a). As an example see page 40, line 15 of Specification.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 16 is rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a credible asserted utility or a well established utility.

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Claim 16 recites "...the step of analyzing each quality report further comprises the steps of creating a meeting, and agreeing among attendees of the meeting on at least one quality action to resolve a detected problem". While the "step of analyzing each quality report" may schedule a meeting on a calendar system, or send out notifications of a meeting, Examiner fails to see how the step could "create" a meeting. Additionally, the step may seek agreement from attendees, Examiner fails to see how "the step of analyzing each quality report further comprises...agreeing among attendees...on at least one quality action..."

Claim 16 is also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a credible asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 16 recites "...the step of analyzing each quality report further comprises the steps of creating a meeting, and agreeing among attendees of the meeting on at least one quality

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action to resolve a detected problem". While the "step of analyzing each quality report" may schedule a meeting on a calendar system, or send out notifications of a meeting, Examiner fails to see how the step could "create" a meeting. Additionally, the step may seek agreement from attendees, Examiner fails to see how "the step of analyzing each quality report further comprises...agreeing among attendees...on at least one quality action..."

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,799,286 to Morgan et al .

Per claim 1:

A computer implemented method for operating a quality plan in a product development organization comprising a plurality of members and having quality objectives for product development projects, the method comprising the steps of:

(Morgan: Col. 1, lines 66-67, "...an automated activity-based management system (product development organization) and method...", col. 2, lines 1-2, "The business organization has costs associated with its people (plurality of members)...", col. 4, lines 5-11, "The automated activity based management system also includes an on-line reporting feature, which may generate predefined or user-defined reports on a periodic basis or on demand. Examples of the many types of reports available may include trend, forecast, benchmark, site comparison,

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standard service, activity output, matrix, quality (quality plan), and value-added reports (quality objectives).”

-defining a set quality processes adapted to quality objectives required by an organization;

(Morgan: Col. 17, lines 26-31, “The automated activity-based management system may generate a number of different reports summarizing information for many business purposes. Examples of the types or reports available are:...quality...”, col. 18, lines 44-63, “Quality Benchmark...Site Trend Quality Reports...Site Comparison Quality Reports...Consolidated Trend Quality Reports...” Quality processes are defined in the quality reports.)

-defining a set of computer implemented quality tools to collect data relative product development projects, said quality tools comprising at least one database store said collected data;

(Morgan: col. 2, lines 19-25, “The system includes a relational database which receives traditional accounting information and accepts information related to activities (quality tools to collect data) provided by the users. The activity information includes the activities performed, the percentage of time each activity is performed...”, col. 4, lines 40-43, “Constructed in this manner, the activity-based management system is a flexible tool (computer implemented quality tools)...”)

-for each quality process, aggregating a set of the stored data to generate a respective quality report;

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(Morgan: col. 3, line 47-49, "At the heard of the system is a relational database with organized data structures containing raw business data and processed activity cost information...", col. 4, lines 5-11, "The automated activity-based management system also includes an on-line reporting feature (aggregating a set of the stored data to generate a respective quality report) which may generate predefined or user-defined reports on a periodic basis or on demand. Examples of the many types of reports available may include trend, forecast, benchmark, site comparison, standard service, activity output, matrix, quality, and value-added reports.")

-analyzing each quality report to detect problems in the product development projects;

(Morgan: col. 4, lines 22-26, "The activity-based management view maps these same expenditures to activities such as...problem resolution (analyzing to detect problems)...")

-using results of the analyzing step to initiate actions to resolve the problems detected, thereby improving quality the product development projects.

(Morgan: Col. 4, line 25, "...problem resolution...")

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. Claims 2- 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,799,286 to Morgan et al., in view of US Patent 6,088,717 to Reed et al.

Per claim 2:

Morgan disclosed:

-the set of quality processes further comprises:

-tracking process for identifying an issue in the product development projects;

(Morgan: Col. 4, lines 40-43, "Constructed in this manner, the activity-based management system is a flexible tool that not only tracks current operational performance (tracking process), but also provides the information for forecasts or budgets.", col. 6, lines 43-47, "In block, the user enters the target or goal cost per unit of each product (product development projects). This input may be used to gauge the performance of the management organization.", col. 7, lines 35-36, "...employees may use a time tracking software program...")

-a reporting process among

a plurality of members of the organization;

(Morgan: Col. 5, lines 4-6, "The reports are customized to provide different levels of granularity of details to cater to the needs of different levels of personnel.")

-daily headlights reporting process for providing communications among members of the organization;

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(Morgan: Col. 5, lines 4-6.)

-documentation process for reviewing and accepting documents generated by the product development projects;

(Morgan: Col. 4, lines 5-11, "The automated activity-based management system also includes an on-line reporting feature, which may generate predefined or use-defined reports on a periodic basis or on demand. Examples of the many types of reports available may include trend, forecast, benchmark, site comparison, standard service, activity output, matrix, quality, and value-added reports.")

-an inspection process for determining deliverables generated by the product development projects to be reworked;

(Morgan: Col. 18, lines 43-63, Quality Benchmark...Site Trend Quality Reports-Details a site's costs by quality attribute for any number of months. Users can track the results of quality initiatives that have been implemented. Users can view the individual activities/costs that contribute to a selected quality attribute in order to pinpoint opportunities for quality improvements (inspect / determine rework)...")

-a metrics process producing metrics for producing metrics for the data relative to the product development projects.

(Morgan: Col. 8, line 5-7, "As related to production measurement...")

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Morgan failed to address "meeting set-ups... for preparing and conducting meetings" in product development processes. However, Reed disclosed an automated communications system, involving the use of databases (col. 12, line 1), using a "pushing" method of information transfer or a "pulling" method for data communications (col. 12, lines 50-63). See FIG. 47 and col. 142, line 50-col. 143, line 58 for a disclosure of scheduling a meeting, and managing discussions.

Therefore, it would have been obvious, to one of ordinary skill in the art, to modify Morgan's invention to include scheduled meetings, as (Morgan: col. 1, lines 59-61) "...there is a need for an automated activity-based management system that provides continuous, dynamic, and real-time cost information and reports" to reliably view an organization operations, and conducting meetings is only one additional manner to disseminate information useful for quality planning.

Per claim 3:

-further comprising survey process to evaluate a contribution of a member of the organization to a quality plan.

(Morgan, Col. 4, lines 1-2, "...employee activity information...")

Per claim 4:

-wherein the tracking process further comprises the steps of:

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-recording the identified issue within an issue storing area of the at least one database;

(Morgan: FIG. 7, col. 5, lines 58-63, "FIG. 7 provides an exemplary summary of the types of data that are input into the automated activity-based management system database. Two broad categories of inputs are possible, those entered by users and those entered and maintained by the system operators.".)

-assigning to the issue priority, a resolution target date, and an organization member responsible;

(Morgan: Col. 7, lines 21-23, "Another kind of attribute, called value-added may be assigned to activities to indicate how crucial the activities are (priorities) with respect to serving the customer.", col. 7, lines 54-64, "A third type of information is human resources information on employees (organization member responsible), which may include the employee name and number, job category, and the responsibility center. In a forecasting (resolution target date) of budget-generating scenario, the automated activity based management system preferably uses historical activity information, in addition to estimated projections for certain equipment utilization, activity cost information and product volumes...The system is also capable of providing a forecast of activity information...")

-communicating to members of the organization actions taken to resolve the issue item.

(Morgan: Col. 4, lines 5-11, "...generate predefined or user-defined reports on a periodic basis or on demand...")

Per claim 5:

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-the recorded issue comprises a field for indicating an open date, an issue identifier, a description of the issue, and an open status.

(Morgan: Col. 7, lines 3-13, "Attributes are labels used to store and classify data. In the automated activity based management system attributes are used to classify activities...the performance of these activities eliminates the opportunity for non-conformance and ensures quality. Another set of activities may have service attributes which indicate that these activities are related to predefined services...there are also activities that are customer-specific, and are labeled with the appropriate attributes...")

Per claim 6:

-updating the open status field to a close status for a resolved issue in the at least one database.

(Morgan: Col. 7, line 10, "service attributes")

Per claim 7:

Morgan disclosed storing important information in databases (Morgan: FIG. 7), but failed to address meetings. However Reed disclosed:

-the meeting set-up and reporting process further comprises the steps of:

(Reed: FIG. 47)

-creating a meeting record in a meeting storing area of the at least one database, the meeting record comprising a meeting place, a meeting attendee, and a meeting agenda;

(Reed: Col. 142, line 50-col. 143, line 58, "...a schedule object for setting up a meeting...")

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-sending an invitation the meeting attendee; and sending a meeting report after completion of the meeting to receivers.

(Reed: Col. 142, line 50-col. 143, line 58, "...a notification element...a distribution list component to which additional recipients can be added...)

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Morgan's invention to include features of meeting set-ups, because it is merely an additional well known method of group communication.

Per claim 8:

-storing the meeting report in a reports storing area of the at least one database.

(Morgan: FIG. 7.)

Per claim 9:

-the daily headlights reporting process further comprises the steps of:

-generating headlight reports having headlights data;

(Morgan: Col. 5, lines 4-6, "The reports are customized...")

-consolidating at first predetermined frequency the headlights reports a single executive report to be distributed to an executive distribution list;

(Morgan: Col. 5, lines 4-6, "The reports are customized to provide different levels of granularity or details to cater to the needs of different levels of personnel(executive report)...")

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-recording issue items in an issue memory area based on data of the executive report;

(Morgan: FIG. 7.)

-generating at a second predetermined frequency a headlight summary based on the executive reports.

(Morgan: Col. 19, lines 35-51, "USER-PROFILE REPORTING Matrix Report...for a selected management organization (executive reports) for the current month...Activity Output Report...Data Integrity Report...")

Per claim 10

-storing the executive report and the headlight summary in a reports memory area of the at least one database.

(Morgan: FIG. 7.)

Per clam 11:

-the documentation process further comprises the steps of:

-classifying a document and assigning a document review workflow to the document according to whether an originator of the document is a member of the organization;

(Morgan: Col. 5, lines 28-31, "These activity names or codes are collected in a master activity dictionary (classifying a document), which functions as a glossary of activities for all sites...")

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-creating a document record in a document memory area of the at least one database.

(Morgan: Col. 5, line 31, "...master activity dictionary...")

Per claim 12:

-the document is a technical document associated with a software product.

(Morgan: Col. 5, lines 26-29, "For the intellectual property management organization, for example, the activities may include soliciting invention disclosures, drafting patent applications (technical document), drafting licensing agreements...")

Per claim 13:

-the inspection process further comprises the steps of:

-creating an inspection record in an inspection memory area the at least one database, the inspection record comprising an open date, an inspection record identifier, a priority, a description of deliverable, and a target date to complete the inspection process.

(Morgan: FIG. 7, database, Col. 7, lines 25-31, "...the attributes may be used to generate reports containing information of specific activities identified by certain attributes (creating an inspection record with attributes).")

Per claim 14:

-the metrics process further comprises the steps of:

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-analyzing a quality metrics report,

(Morgan: Col. 17, lines 46-50, "Product Benchmark – Enables a site to track the trend (metrics) of actual product cost versus the target product cost. Via the benchmark analyses(metrics), a site can compare the results to the lowest cost site as well as the average of all comparable sites.")

-recording the quality metrics report in a metrics memory area of the at least one database.

(Morgan: FIG. 7.)

Per claim 15:

-the metrics further comprise product metrics.

(Morgan: Col. 17, lines 26-31, "The automated activity-based management system may generate a number of different reports summarizing information for many business purposes. Examples of the types of reports available are: products...quality...service, value added...")

Per claim 16:

Morgan disclosed quality reports (col. 4, line 11) and problem resolution (col. 4, line 25), but failed to disclose "creating a meeting". However, Reed disclosed

-the step of analyzing each quality report further comprises the steps of:

-creating a meeting;

(Reed: Col. 143, lines 16-17, "...setting up a meeting...")

-agreeing among attendees of the meeting on at least one quality action to resolve a detected problem.

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(Reed: Col. 143, lines 45-56, "For example, a user could create a new open discussion topic....The other examples shown in the workspace include a closed discussion...")

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Morgan's invention to include features of creating a meeting and a discussion among the participants to resolve an issue, because it is merely an additional well known method of group communication, an important management activity.

Per claim 17:

-the using results step further comprises the step of creating at least one quality action record in a quality actions memory area of the at least one database, the at least one quality action record comprising;

(Morgan: FIG. 7, database)

-an open date, a quality action identifier, a priority, a description of a quality action, a target date to operate the quality action.

(Morgan: Col. 18, line 48-col. 19, line 25, "Site Trend Quality Reports...quality attribute...Users can track the results of quality initiatives that have been implemented. Users can view the individual activities/costs that contribute to a selected quality attribute in order to pinpoint opportunities for quality improvements...Site Comparison Quality Reports...Consolidated Trend Quality Reports...SERVICE/PROCESS Service/Process Benchmark-Enables a site to track their trend of actual service costs. Via the benchmark analyses, a site can compare...Site Trend Service Reports...users can view the individual

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activities/costs that contribute to a selected standard service's cost. Site Comparison Service Reports...Consolidated Trend Service Reports...")

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

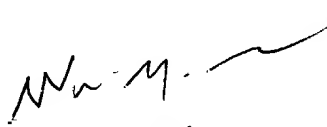
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (703) 305-4564. The examiner can normally be reached Monday through Thursday, from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552.

The fax phone number is (703) 872-9306 for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Mary Steelman



08/05/2004



**WEI Y. ZHEN
PRIMARY EXAMINER**